

**Town of Sandown
Zoning Board of Adjustment
Minutes 12/17/15**

- Meeting Date:** December 17, 2015
- Type of Meeting:** Public Hearing
- Method of Notification:** Public Posting - Sandown Town Hall, Sandown Post Office, Sandown Website, *Eagle Tribune*
- Meeting Location:** Sandown Town Hall
- Members present:** Chairman - Steve Meisner, Vice Chairman - Christopher True, Brian St. Amand, Curt Sweet, Chris Longchamps – Alternate, Dave Ardolino
- Members absent:** Tom Tombarello –Selectmen’s Liaison

Opening: Mr. Meisner opened the meeting at 7:03 p.m.

Mr. Meisner stepped down since he is an abutter Mr. True stepped in to Chair the first hearing. Mr. Longchamps was appointed as a voting member.

Case #01 – M29 L6 – Public hearing for the property located at 29 Brown Ave. and identified on Map 29 Lot 6. An application submitted by Ben and Cindy Levine requesting a variance from Article III, Section 1, Part D to permit the construction of a 26’x47’, 3-stall garage and storage area with finished exercise space within the 50’ buffer from a water body.

Todd Wallace was representing Ben and Cindy Levine

Mr. Wallace reviewed the application. He noted it is an existing home on Phillips Pond and they would like to build a 26x47, 3-stall garage. They have been in the home since 2010. The long term goal is to make it a year-round home. There is an existing garage and part of the project is to turn that into a great room and add an additional garage with a room above. The new portion will end up within the 50’ building setback. The plot plan shows the existing corner is within 28’ of the pond. The proposed edition comes off the 28’ and establishes a 44’ setback. The use is not changing. The intention is to keep the materials and exterior finishes consistent with the lakeside community. They don’t see it impacting the property values. They are adding a new septic system as part of the project.

Mr. St. Amand questioned if there was a reason they couldn’t build outside of the setback. Mr. Wallace noted the flow in and out of the home isn’t conducive to that. They could pave that space, but would rather manage the stormwater through rain barrels off the eaves of the roof instead of having a large impervious surface of pavement.

Mr. Wallace reviewed his answers to the variance questions.

46 Mr. Sweet questioned what the original square footage of the home was and how much
47 they were adding. Mr. Wallace didn't have an exact answer but though they were adding
48 a little over a 1/3 of the square footage for a total of 1,200 sq. ft.

49

50 *Steve Meisner, 17 Brown Ave*

51 Mr. Meisner noted they have done a lot of work on the property in the past and have
52 always done it properly and pulled all necessary permits.

53

54 There was no other input from the public. Mr. True closed the hearing to the public.

55

56 Mr. Longchamps noted they are keeping with the spirit of the ordinance. They aren't
57 making the situation any worse than the current conditions and feel that the
58 improvements to the home would not impact the property values of the surrounding
59 homes.

60

61 **MOTION:** Mr. St. Amand made a motion to grant the variance for the property located
62 at 29 Brown Ave. and identified on Map 29 Lot 6. An application submitted by Ben and
63 Cindy Levine requesting a variance from Article III, Section 1, Part D to permit the
64 construction of a 26'x47', 3-stall garage and storage area with finished exercise space
65 within the 50' buffer from a water body with the condition that all applicable state
66 permits are obtained. Mr. Ardolino seconded the motion. All members voted in favor.
67 The motion passed 5-0-0.

68

69 Mr. True noted for the applicant that according to RSA 677:2 there was a 30-day appeals
70 timeframe.

71

72 Mr. Meisner is stepping back in but will remain out as a voting member and will just run
73 the meeting to keep Mr. Longchamps as a voting member.

74

75 **Case #02 – M10 L38 – Public hearing for the property located at 323 Main Street**
76 **and identified on Map 10 Lot 38. An application submitted by David Valence**
77 **requesting a variance from Article I, Part D, Section 2 to permit a 1,080 sq. ft.**
78 **commercial space to be converted into a two bedroom residential dwelling.**
79 **Proposing to take what used to be Little Patriots Preschool and make it residential.**

80

81 Mr. David Valence presented the application. He noted he would like to convert the space
82 previously occupied by Little Patriots Preschool into a two-bedroom apartment. There is
83 already a kitchen and a bathroom big enough to convert into a full bath. They did do a
84 septic design to make sure there is enough capacity to take care of the restaurant and the
85 two-bedroom so they are ready to move forward with that. The restaurant and that space
86 are on one system and the home is on another. Aesthetically the home would remain the
87 same. The space already exists so there would be no footprint change.

88

89 Mr. St. Amand questioned if there was any fire protection between the pizza place and
90 the other space. Mr. Valence wasn't sure what exactly was in the walls but knows there
91 were some precautions taken.

92

93 Mr. Meisner noted Chief Tapley indicated anything regarding life safety would need to
94 be brought up to code since they are changing the use. Mr. Meisner noted that Chief
95 Tapley indicated he would likely require sprinklers. Mr. Valence noted there is a full
96 sprinkler system already in place.

97

98 Mr. True questioned if the application would go to the Planning Board. Mr. Meisner
99 noted it would just go to the building inspector and the fire chief for review.

100

101 Mr. Longchamps asked for clarification on why they were applying for a variance. Mr.
102 Meisner noted even though it is in the business zone, it doesn't qualify for an additional
103 unit because there are already two apartments on the property.

104

105 Mr. Valence noted on the application he thought the space was 1,080 sq. ft, but it is
106 actually closer to 900 sq. ft.

107

108 Mr. Valence reviewed his answers to the criteria questions.

109

110 Here was no public in attendance.

111

112 Mr. True questioned where they would park. Mr. Valence noted in the same parking lot
113 as the pizza place. Mr. Meisner questioned if they had run through the parking formula to
114 determine if there were adequate spaces. Mr. Valence noted he hadn't but assumed there
115 would be enough since there were already two businesses in that location.

116

117 **MOTION:** Mr. True made a motion to grant the variance for the property located at 323
118 Main Street and identified on Map 10 Lot 38. An application submitted by David
119 Valence requesting a variance from Article I, Part D, Section 2 to permit a 1,080 sq. ft.
120 commercial space to be converted into a two bedroom residential dwelling, with the
121 condition that the application is reviewed and approved by Chief Tapley. Mr. St. Amand
122 seconded the motion. All members voted in favor. The motion passed 5-0-0.

123

124 Mr. Meisner noted for the applicant that according to RSA 677:2 there was a 30-day
125 appeals timeframe.

126

127 **Review of the 11/19/15 Minutes**

128 **MOTION:** Mr. True made a motion to accept the 11/19/15 minutes as written. Mr. St.
129 Amand seconded the motion. Members voted in favor. Mr. Ardolino abstained. The
130 motion passed.

131

132 **Review of Application**

133 Members agreed to review both applications even though one of them only came in
134 today.

135

136 **9 West Shore Drive, M28 L9 – Eileen Blyth is requesting a variance from Article II,**
137 **Part A, Section 1B to permit a small storage addition that does not meet the side**
138 **setback requirement.**

139 Mr. True and Mr. St. Amand reviewed the abutters list. Mr. Meisner noted they were
140 missing an envelope for themselves. Otherwise the application appeared complete.

141

142 **MOTION:** Mr. True made a motion to accept the application for 9 West Shore Drive
143 identified on Map 28 Lot 9, submitted by Eileen Blyth requesting a variance from Article
144 II, Part A, Section 1B to permit a small storage addition that does not meet the side
145 setback requirement contingent upon receipt of an additional envelope to mail an abutters
146 letter to themselves. Mr. St. Amand seconded the motion. All members voted in favor.
147 The motion passed.

148 **4 Indian Hill Road, M29 L73 – Austin Realty Trust is requesting a variance from**
149 **Article II, Part B, Section 3A to allow the construction of a new dwelling on a pre-**
150 **existing non-conforming lot with less than 40,000 sq. ft. of area.**

151

152 Mr. True and Mr. St. Amand reviewed the abutters list. Mr. Meisner reviewed the rest of
153 the items and noted the application appeared complete.

154

155 Mr. Meisner noted the applicant is taking a gamble and got a foundation permit to take
156 advantage of the warm weather. He understands he will need to remove the foundation if
157 he doesn't get the variance.

158

159 **MOTION:** Mr. True made a motion to accept the application for 4 Indian Hill Road,
160 identified on Map 29 Lot 73 submitted by Austin Realty Trust requesting a variance from
161 Article II, Part B, Section 3A to allow the construction of a new dwelling on a pre-
162 existing non-conforming lot with less than 40,000 sq. ft. of area. Mr. St. Amand seconded
163 the motion. All members voted in favor. The motion passed.

164

165 **MOTION:** Mr. St. Amand made a motion to adjourn. Mr. True seconded the motion. All
166 members voted in favor. The motion passed. Meeting adjourned at approximately 8:20
167 p.m.

168

169 Respectfully submitted,

170 

171 Andrea Cairns